

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al., :  
Plaintiffs, :  
 :  
vs. : C.A. No. 04-312L  
 :  
JEFFREY DERDERIAN, et al., :  
Defendants. :

NOTICE OF SETTLEMENT  
TOWN OF WEST WARWICK

Counsel for the Gray Plaintiffs<sup>1</sup> and counsel for Defendant Town of West Warwick wish to advise the Court that a settlement in principle has been reached for consideration of 10 Million (\$10,000,000.00) Dollars. Payment of this sum constitutes an agreement by all undersigned parties that all claims among or between Plaintiffs and Defendants Town of West Warwick, Denis Larocque, Stephen Murray and Anthony Bettencourt are resolved by this settlement.

Plaintiffs' counsel in all pending Station Fire Cases<sup>2</sup> have agreed to this settlement of claims against these defendants, which settlement is expressly subject to: (1) an agreement by the Town's insurance provider (the Interlocal Trust) to provide its remaining policy limits toward the settlement amount; (2)

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<sup>1</sup> All Plaintiffs represented by counsel in Gray, et al. v. Derderian, et al., C.A. No. 04-312L and Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L as indicated by the signatures of counsel.

<sup>2</sup> All Station Fire Plaintiffs in the cases of Gray, et al. v. Derderian, et al., C.A. No. 04-312L; Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L; Passa, et al. v. Derderian, et al., C.A. No. 03-148L; Kingsley, et al. v. Derderian, et al., C.A. No. 03-208L; Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L and Guindon, et al. v. Derderian, et al., C.A. No. 07-366; Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L; Roderiques, et al. v. American Foam Corp., et al., C.A. No. 04-026L; Sweet, et al. v. American Foam Corp., et al., C.A. No. 04-056L; Paskowski, et al. v. Derderian, et al., C.A. No. 05-002L; Kolasa v. American Foam Corp., et al., C.A. No. 05-070L; Long v. American Foam Corporation, C.A. No. 06-047L; Malagrino v. American Foam Corp., et al., C.A. No. 06-002L; and Gonsalves v. Derderian, et al., C.A. No. 06-076L.

the successful application and securing of a bond on terms acceptable to the Town to pay the balance of the settlement after the policy limits are exhausted;

(3) The successful defense to any challenge as to the constitutionality or validity of the R.I. Contribution Among Joint Tortfeasors Act (R.I.G.L. § 10-6-2, *et seq.*);

(4) Releases approved by the Town of West Warwick and the West Warwick defendants releasing the Town and its employees, including but not limited to Denis Larocque, in his individual and official capacity as Battalion Chief of the Fire Inspection Division of the West Warwick's Fire Department, Stephen Murray, individually and in his official capacity as Building Official and Anthony Bettencourt, individually and in his official capacity as a West Warwick police officer, fully and totally from all liability. The Release and indemnity agreement shall also protect the settling defendants against cross-claims from the non-settling defendants. The Town agrees that while this Release will extend to Denis Larocque individually and his official capacity as an employee of the Town of West Warwick, this Release will not extend to Denis Larocque in his official capacity as an agent or employee of the State of Rhode Island; (5) the approval of the settlement by all of the plaintiffs; (6) the approval of the settlement by the Court; and (7) the approval by the Court of the allocation plan being developed by the Special Master.

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,  
By their Attorneys,

/s/ Max Wistow

/s/ John P. Barylick

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### **CERTIFICATION**

I hereby certify that an exact copy of the within document was electronically submitted to the Electronic Case Filing System of the United States District Court for its distribution to all counsel of record and a copy was electronically mailed to *pro se* defendant on this 18<sup>th</sup> day of August, 2008.

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